

**M.R. 217/2006, Workplace Safety and Health Regulation
Supplement to
Part 35: Workplace Hazardous Products Information System**

On July 31st, 2015, Part 35 was amended to align with the amended federal Hazardous Products Act and Regulations, which incorporate the Globally Harmonized System of Classification and Labelling of Chemicals, an internationally recognized, and adopted system.

Transition Period – 2018

Across Canada – including Manitoba – a three-year transition period has been established for:

- suppliers to convert WHMIS 1988 compliant labels and Material Safety Data Sheets (MSDSs) to be WHMIS 2015 compliant labels and Safety Data Sheets (SDS) (June 1, 2018).
- employers to phase out WHMIS 1988 compliant labels and MSDS from their workplaces and fully comply with WHMIS 2015 labelling and SDS requirements (December 1, 2018).

No Transition for Training

No transition period has been established for education and training, which must be carried out in accordance with the requirements of the amended Part 35.3 in its entirety.

- Where WHMIS 1988 and WHMIS 2015 compliant products are being used simultaneously in a workplace, education and training programs must be ongoing for both systems until the WHMIS 1988 compliant products are phased out of the workplace.
- Employers must educate and train workers for WHMIS 2015 compliant information as soon as those products are received in the workplace.

Throughout this transition period

- All provisions of the amended Part 35 are in force, including those of Part 35.25 which allow for the transition of supplier and employer labels and MSDS.
- All products that meet the definition of “**controlled products**” under the former regulation are considered “**hazardous products**” for the purposes of compliance with the amended Part 35.
- The following provisions from the former Part 35 not cited under any provision of the amended Part 35, also still apply, if required in a workplace, given the transition allowances for WHMIS 1988 labels and MSDS (Part 35.25).

LABELLING REQUIREMENTS

Supplier label required

35.4(4) An employer who receives a controlled product in a multi-container shipment where the individual containers have not been labelled by the supplier must affix a label that meets the requirements of the *Controlled Products Regulations* to each container.

35.4(6) An employer who has received a controlled product transported as a bulk shipment must

- (a) affix a supplier label to the container of the controlled product or to the controlled product in the workplace; or
- (b) in cases where pursuant to section 15 of the *Controlled Products Regulations* the supplier is not required to label a controlled product transported as a bulk shipment, affix a workplace label to the container of the controlled product or to the controlled product in the workplace.

Contact the Workplace Safety and Health Branch:

Winnipeg: (204) 957-SAFE (7233)
Toll-Free: 1-855-957-SAFE (7233)
www.manitoba.ca/labour/safety

CONTROLLED PRODUCTS IN LABORATORY

35.9(1) No supplier label is required on a controlled product that an employer receives from a supplier

- (a) if the controlled product
 - (i) originates from a laboratory supply house,
 - (ii) is intended by the employer solely for use in a laboratory, and
 - (iii) is packaged in a container in a quantity of less than 10 kg; and
- (b) the container is labelled in accordance with paragraph 17(b) of the *Controlled Products Regulations*.

35.9(3) When a controlled product is in a container other than the container in which it was received from the supplier, the employer is not required to comply with subsection 35.6(1) if the controlled product is only used in a laboratory and is clearly identified.

NOTE: 35.6(1) refers to workplace labels on decanted products. This exemption ends in December 2018.

35.9(4) When an employer produces a controlled product for use in a laboratory, the employer is not required to comply with subsection 35.5(1) if the controlled product is clearly identified.

NOTE: 35.5(1) refers to workplace labels for employer-produced products. This exemption ends in December 2018.

35.9(5) When a controlled product is produced at a workplace and is in a container for the sole purpose of use, analysis, testing or evaluation in a laboratory, an employer is not required to comply with subsections 35.5(1) and 35.6(1) if the controlled product is clearly identified and the employer complies with subsection 35.3(1).

NOTE: 35.3(1) refers to education and training. Education and training must be carried out in accordance with Part 35.3 (2015 amended version) in its entirety.

MATERIAL SAFETY DATA SHEETS

Supplier material safety data sheets

35.10(1) An employer who acquires a controlled product for use at a workplace must obtain a supplier material safety data sheet for that controlled product unless the supplier is exempted from the requirement to provide a material safety data sheet by section nine or 10 of the *Controlled Products Regulations* and the employer complies with the applicable section.

35.10(2) When a supplier material safety data sheet obtained under subsection (1) is more than three years old, an employer must, if possible, obtain from the supplier an up-to-date supplier material safety data sheet for the controlled product.

35.10(3) If an employer is unable to obtain a material safety data sheet as required under subsection (2), the employer must review and revise, if necessary, the existing supplier's material safety data sheet on the basis of the ingredients disclosed on the sheet.

Employer material safety data sheets

35.11(2) The material safety data sheet must be updated by the employer

- (a) as soon as practicable but not later than 90 days after new hazard information becomes available; and
- (b) at least once every three years.